

**MINUTES OF THE REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF BARRINGTON
Monday, September 22, 2003**

CALL TO ORDER

The Regular Meeting of the President and Board of Trustees was called to order by President Reagle at 8:05 p.m., in the Village Board Room, 200 South Hough Street, Barrington, Illinois. Chief Arie led the pledge of allegiance.

ROLL CALL

Upon roll being called the following answered present: Trustees Karen Darch, Jack Schaefer, Beth Raseman, Jeanne Yeagley, Paul Hunt, Jim Daluga; President Marshall Reagle. Also present were: Village Clerk Ron Koppelman, Village Manager Curt Allison, Assistant Village Manager Denise Pieroni, and Village Attorney Ed Springer.

READING OF AGENDA

President Reagle asked the Board if there were any additions, corrections or deletions to the Agenda.

APPROVAL OF MINUTES

- a. July 7, 2003 – Special Board Meeting
- b. August 25, 2003 – Regular Board Meeting
- c. September 8, 2003 – Regular Board Meeting

MOTION: A motion was duly made by Trustee Yeagley and seconded by Trustee Hunt to approve the minutes of the July 7, 2003 – Special Board Meeting, as presented.

ROLL CALL: Trustee Darch, **abstained**; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed and the minutes approved.

Minutes for the August 25, 2003 – Regular Board Meeting were not reviewed.
Minutes for the September 8, 2003 – Regular Board Meeting were not reviewed.

Trustee Hunt presented the Trustee's Award for Village Beautification to the Hollis brothers.

PERSONS TO BE HEARD FROM THE FLOOR – CITIZEN'S REGISTRATION/COMMENTS

President Reagle opened the floor to those wishing to address the Corporate Authorities.

Debra Gierut of 603 S Summit St commented on litigation faced by the Village from construction and proposed paving of a private driveway.

Ron Samansky of 3 Rose Blvd South Barrington commented on the dedication ceremony of the Barrington Memorial Park and read a resolution passed by the Board of Trustees of Barrington Township.

Christine Dieter of 607 S Summit St. commented on the litigation faced by the Village from construction and proposed paving of a private driveway.

Tom Hermson of 414 E Hillside Ave commented on the litigation faced by the Village from construction and proposed paving of a private driveway.

REPORTS OF VILLAGE OFFICIALS

VILLAGE PRESIDENT'S REPORT

- a. Proclamation – Fire Prevention Month, October 2003
Trustee Daluga read and presented the Proclamation to Chief Arie.
- b. Proclamation – Domestic Violence Awareness Month
Trustee Yeagley read the Proclamation.
- c. Proclamation – Lions Club Candy Day, October 10 and 11, 2003
President Reagle read the Proclamation and presented to Bruce Brinkman and Chuck Thyfault of the Barrington Lions Club.

CONSENT AGENDA Pursuant to 65 ILCS 5/3.1-40-40, a single roll call vote of the Village Board of Trustees and the President on a group of ordinances, resolutions, orders, and/or motions.

President Reagle asked if anyone wished to have any items removed from the Consent Agenda. None were noted.

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to approve taking a single roll call vote to **adopt and create** a Consent Agenda, consisting of Items 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k (1-4) and 5l.

For the benefit of the public, President Reagle listed the following items to be included on the Consent Agenda.

- *a. **MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Zoning Board of Appeals (ZBA 03-09) regarding Barrington Animal Hospital
- *b. **MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Architectural Review Commission (ARC 03-17) regarding Barrington Animal Hospital
- *c. **MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Zoning Board of Appeals (ZBA 03-10) regarding Hroban Residence (937 Lakewood Drive)
- *d. **MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Architectural Review Commission (ARC 03-19) regarding Saphir Piano
- *e. **MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Architectural Review Commission (ARC 03-14) regarding GK Development
- *f. **RESOLUTION #03-2893: ARC 03-14:** GK Development – 257 East Main Street (Certificate of Approval)
- *g. **RESOLUTION #03-2894: ARC 03-19:** Kurt Saphir Piano – 211 North Northwest Highway (Certificate of Approval)
- *h. **RESOLUTION #03-2895:** For the Acceptance of Certain Improvements and the Acceptance of the Assignment and Transfer Thereof (Oaks of Barrington)
- *i. **ORDINANCE #03-3084 :** An Ordinance Authorizing the Sale of Personal Property Owned by the Village of Barrington at the Northwest Municipal Conference Vehicle and Equipment Auction
- *j. **ORDINANCE #03-3085:** An Ordinance Amending Chapter 3 of the Barrington Village Code ("Alcoholic Liquor" Section 3-8) (Amending Class Eleven Liquor License)
- *k. **MOTION TO SCHEDULE A PUBLIC HEARING** before the Corporate Authorities of the Village of Barrington to be held on October 13, 2003 at 8:00 p.m., or as soon thereafter as the Agenda permits, to direct staff to cause notice of such hearing to be given as required by law, to consider the following:.

- 1) Proposed amendments to the Village of Barrington's Comprehensive Plan 2000, as amended, and the Village's Subdivision Regulations which are a part thereof regarding the adoption of the BACOG Model Impact Fee Ordinance; and
- 2) Proposed amendments to the Village of Barrington's Comprehensive Plan 2000, as amended, so that the provisions of the Comprehensive Plan are consistent with the provisions of Resolution #02-2700 (TAC Resolution); and
- 3) Proposed amendments to the Village of Barrington's Comprehensive Plan 2000, as amended, regarding permitted densities in the Northwest Quadrant, Redevelopment Area One, Southeast Quadrant, SPA Site Twenty-Eight (north of the Metra tracks); and
- 4) Proposed amendments to the Village of Barrington's Comprehensive Plan 2000, as amended, regarding commuter parking and parking improvements for businesses on South Highway 14.

***1. MOTION TO APPROVE** the Administrative Services Committee Recommendation to Implement the Recommendations of the Staff Relative to Alternative Methods of Recognizing Employees Marking a "Milestone" Anniversary, Employees Who Are Retiring and Volunteer Members of Village Boards and Commissions

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion to take a single roll call vote to adopt and create the Consent Agenda passed unanimously.

MOTION: A motion was duly made by Trustee Raseman and seconded by Trustee Darch to **approve** the Consent Agenda consisting of Items 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k (1-4) and 5l.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

CLOSED SESSION (This session shall be closed to the general public and media. Items discussed in Closed Session may be acted upon in open session following the completion of the Closed Session).

CONSIDERATION RE: Motion to Adjourn to Closed Session Personnel (5ILCS 120/2 (c) (1), Litigation (5ILCS 120/2(c)(11), Land Acquisition (5ILCS 120/2 (c) (5), Collective Negotiating Matters (5ILCS 120/2 (c) (2).

MOTION: Trustee Hunt moved, seconded by Trustee Darch, that the Corporate Authorities adjourn to Closed Session for the purpose of the consideration of litigation that has been filed and is pending before a court or administrative tribunal, or an action that is probable or imminent, pursuant to Chapter 5 ILCS 120/2(c)(11).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed unanimously. The time of this motion was 8:45 p.m.

RESUMPTION OF PUBLIC PORTION OF MEETING

The public portion of the meeting resumed at 9:45 p.m., Monday, September 22, 2003

Upon roll being called the following answered present: Trustees Karen Darch, Jack Schaefer, Beth Raseman, Jeanne Yeagley, Paul Hunt, Jim Daluga; President Marshall Reagle. Also present were: Village Clerk Ron Koppelman, Village Manager Curt Allison, Assistant Village Manager Denise Pieroni and Village Attorney Ed Springer.

PRESENTATION BY TECHNIVISTA ON THE DESIGN OF THE WEBSITE FOR THE VILLAGE OF BARRINGTON

Scott Schroeder presented to the Board an overview of the objectives of the website design project and the usage statistics of the current website.

7a. RESOLUTION #03- : Approving an Award of a Contract for the Redevelopment of the Village's Web Site

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Schaefer to postpone to October 13, 2003 consideration of the Resolution listed as Item 7a on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

UNFINISHED BUSINESS

6a. ORDINANCE #03-3086: A Map Amendment Rezoning Property from the R-8 General Residential District to the B-1 General Business District (Re: Fifth Third Bank, 333 West Northwest Highway, Barrington, Illinois PC 03-05)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Yeagley to pass, as presented, the Ordinance listed as Item 6a on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

6b. ORDINANCE #03-3087: An Ordinance Granting a Special Use Permit for a Bank with Drive-Through Facilities (Re: Fifth Third Bank, 333 West Northwest Highway, Barrington Illinois ZBA 03-04)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Yeagley to pass, as presented, the Ordinance listed as Item 6b on the Agenda

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

6c. ORDINANCE #03-3088: An Ordinance Granting Two Variations Associated with a Bank with Drive-Through Facilities (Re: ZBA 03-04; 333 West Northwest Highway: Fifth Third Bank)

MOTION: A motion was duly made by Trustee Yeagley and seconded by Trustee Raseman to pass, as presented, the Ordinance listed as Item 6c on the Agenda

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

6d. RESOLUTION #03-2896: ARC 03-10; Fifth Third (5/3) Bank – 333 West Northwest Highway (Certificate of Approval)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to pass, as presented, the Resolution listed as Item 6d on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

NEW BUSINESS

7c. ORDINANCE #03-3091: An Ordinance Granting a Special Use Permit for Barrington Animal Hospital (ZBA 03-09; 216 South Northwest Highway)

Staff noted that the Petitioner has requested that language be stricken from the Ordinance regarding storm drainage detention. Staff supports removing this language from the Ordinance. The specific change was to delete from the text the phrase “storm drainage detention” in Section 3 (Final Engineering) on Page 6, 4th sentence up.

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Darch to pass, as modified per the petitioner’s request, the Ordinance listed as Item 7c on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

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7d. RESOLUTION #03-2897: ARC 03-17 ; Barrington Animal Hospital – 216 South Northwest Highway (Certificate of Approval)

MOTION: A motion was duly made by Trustee Raseman and seconded by Trustee Yeagley to pass, as presented, the Resolution listed as Item 7d on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

UNFINISHED BUSINESS

6f. ORDINANCE #03-3090: An Ordinance Approving Annexation Agreement and Directing Execution Thereof by the President and Clerk of the Village of Barrington (Listhartke Subdivision Residential Planned Development PC (02-10)

Attorney William Graft is representing the Petitioner and is available to the Board for any questions relative to the Ordinance. Mr. Graft responded to the question of impact fees posed by Trustee Darch by reviewing the impact fees associated with the Listhartke Subdivision Residential Planned Development. Trustee Yeagley reviewed information that she had gathered in discussion with a Planner from Lake County. Trustee Daluga asked about the quality of the water entering Lake Louise during the building process. Director of Public Works John Heinz commented that a soil erosion plan would be submitted along with the plans for the Listhartke Subdivision Residential Planned Development to ensure that development proceeded in a manner that the soil erosion control measures are being met. Trustee Yeagley commented that the Village may want to measure the depth of Lake Louise before and after the construction of the Listhartke Subdivision Residential Development in an attempt to determine if the development caused siltation. Trustee Darch asked about the bike path and the concerns regarding safety as well as how those concerns might be dealt with in the future. Chief Lawler responded that criminal activity is generally conducted with vehicles. Chief Lawler also commented that the Village has tools and procedures available to monitor and patrol areas of the Village. President Reagle asked about the liability for the Village as it relates to the bike path. Village Attorney Ed Springer responded.

Sean Herbert of 255 Tall Trees Dr commented that he is opposed to the connection of the neighborhoods via the bike path.

Barbara Barton of 230 White Oak Ct. commented that she is opposed to the bike path.

Nancy Stitle of 210 Tall Trees Dr. asked that the cost of the path be paid for by the developer of Listhartke Subdivision Residential Planned Development. She also asked that the Homeowners Association be consulted on the placement and construction of the path. Ms. Stitle concluded by stating that she feels that the bike path in the Tall Trees subdivision does not present security problems.

Dan Woods of 509 Lake Shore Drive North commented that he would like to protect Lake Louise as a natural resource especially during the construction of the Listhartke Subdivision Residential Development.

Klaus Rosenstern of 230 N. Valley commented that, by today's laws, Chicago and Fox Point could not have been built due to changes in environmental law.

Director of Public Works John Heinz commented that the Lake County and Barrington ordinances are some of the most conservative of their kind. Mr. Heinz suggested that the developer make a direct contribution to the Fox Point Homeowners Association to fund any future dredging needs as opposed to spending money to measure the silt coming from the Listhartke Subdivision Residential Planned Development as measuring the silt would be very difficult and not a sound investment. Mr. Heinz went on to say that approximately 1200 acres drain into Lake Louise today.

President Reagle read comments from a number of residents who wanted their comments to be heard but were unable to attend the meeting.

Thomas Lynam of 513 Lake Shore Drive North commented that he has not felt that all of the requirements of the ordinances covering the Listhartke Subdivision Residential Planned Development have been addressed.

Art Markeson of 1540 Lake Shore Dr South commented that the concerns of the residents of Fox Point do not seem to count. Mr. Markeson commented that there are better solutions to address the concerns of safety.

President Reagle requested a 5 minute recess at 12 midnight. The meeting resumed at 12:10 a.m., Tuesday, September 23rd, 2003. President Reagle noted for the record that the Village President and all six of the Village Trustees were present when the meeting resumed after the recess.

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Hunt to pass, as amended, the Ordinance listed as Item 6f on the Agenda.

Before moving to discussion, the Board agreed to vote on the following items under NEW BUSINESS:

7e. ORDINANCE #03-3092: Zoning Ordinance Variation – ZBA 03-10: Hroban Residence (937 Lakewood Drive) Front Yard Setback Variation (Residence)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to pass, as presented, the Ordinance listed as Item 7e on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

7f. ORDINANCE #03-3093: Zoning Ordinance Variation – ZBA 03-10: Hroban Residence (937 Lakewood Drive) Side Yard Setback Variation (Existing Nonconforming Wall/Roofline)

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Hunt to pass, as presented, the Ordinance listed as Item 7f on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

7g. ORDINANCE #03-3094: Zoning Ordinance Variation – ZBA 03-10: Hroban Residence (937 Lakewood Drive) Side Yard Setback Variation (Air Conditioning Units)

Staff stated that they are opposed to this variation. The Petitioner, Mr. Hroban and his architect commented on the alternatives associated with the placement of the air conditioners.

MOTION: A motion was duly made by Trustee Yeagley and seconded by Trustee Darch to pass, as presented, the Ordinance listed as Item 7g on the Agenda.

ROLL CALL: Trustee Darch, nay; Trustee Schaefer, nay; Trustee Raseman, nay; Trustee Yeagley, nay; Trustee Hunt, nay; Trustee Daluga, nay; President Reagle, aye. President Reagle declared the motion not passed.

Discussion returned to the Ordinance listed as Item 6f on the Agenda under UNFINISHED BUSINESS.

Keith Lacy commented that the developer would comply with all of the requirements of for the appropriate ordinances for the Lishartke Subdivision Residential Planned Development.

Trustee Yeagley commented that she has requests for language changes to the covenants associated with the Lishartke Subdivision Residential Planned Development. Staff suggested that regulations covering water flowing from one property to another might better be addressed in the Annexation Agreement directly.

Trustee Raseman asked that language related to the authority to mortgage detention areas be deleted.

Trustee Darch asked that the language regarding the Association's "...duty to maintain, repair or reconstruct the detention areas..." be changed from "or" to "and".

Trustee Yeagley asked that the language in Article 2 Section 2c regarding voting rights "...and rights to use of the detention areas..." be deleted.

Trustee Yeagley asked that the transfer of title to the detention area be extended to such time that all of the lots are sold as opposed to one or a few lots are sold. Mr. Springer clarified that the declarant is still obligated to maintain the detention area regardless of the number of lots that are sold and went on to describe other layers of protection, such as the letter of credit, that the Village enjoys in the agreement.

Trustee Yeagley asked that an assessment be added to the agreement to protect residents in the surrounding neighborhoods and she cited the language regarding the purpose of assessment "...exclusively to promote the health, safety and welfare of the residents on the property...". Trustee Daluga pointed out that no other agreements benefit surrounding neighborhoods and Trustee Yeagley responded that annexation is a privilege and that affords the Village the opportunity to request a more aggressive assessment to protect surrounding neighborhoods.

Trustee Yeagley went on to state that the amounts in the assessment are not adequate to cover the costs of the maintenance for the detention areas. Mr. Lacy responded that the dollar amounts in the agreement are more than adequate to cover the maintenance of the detention areas.

President Reagle asked clarification as to the principals in the company called Hartke Development, LLC. Mr. Graft introduced the principals, who were present at the meeting, as the four members of the Listhartke family; Darrell, Robin, Carol, and Wayne Listhartke.

Trustee Yeagley expressed her concern that the Association could vote itself out of existence after twenty years. Mr. Graft pointed out that the Association for the Listhartke is similar to the Associations in other areas of the Village.

VOTE ON AMENDMENTS TO THE ORDINANCE LISTED ON THE AGENDA AS ITEM 6F.

MOTION: A motion was duly made by Trustee Schaefer and seconded by Trustee Darch to amend Article II, Section 2B of the Declaration to remove the phrase regarding the authority "and to mortgage the Detention Areas".

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, **abstain**; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to amend Article II, Section 2E of the Declaration in the first and fourth lines by replacing the word "or" with the word "and" between the words "repair" and "reconstruct".

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Raseman to amend Article II, Section 2C of the Declaration at the end of the first line by deleting the text which provides as follows: "and rights to use of the Detention Areas".

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

VOTE ON CALLING THE QUESTION

After further discussion, Trustee Schaefer called the question on the vote on the ordinance authorizing the execution of an annexation agreement.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye.

VOTING ON THE ORIGINAL MOTION AS AMENDED – AGENDA ITEM 6F

Thereafter a Roll Call vote was taken to approve the ordinance authorizing the annexation agreement with the three amendments to Exhibit F; (i.e. the Declaration of Covenants, Conditions and Restrictions).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, nay. President Reagle declared the motion passed with Exhibit F amended as hereinabove provided.

VILLAGE PRESIDENT'S REPORT CONTINUED

President Reagle advised residents of the upcoming series of legislative hearings sponsored by Senator Terry Link to be held at Harper College and the College of Lake County on the topic of Illinois Tax Cap laws.

VILLAGE MANAGER'S REPORT

Village Manager Curt Allison reported that Keith Sbiral will be leaving the employment of the Village of Barrington. Mr. Allison went on to commend Mr. Sbiral's professionalism.

VILLAGE CLERK'S REPORT

Village Clerk Ron Koppelman had no report.

COMMITTEE REPORTS

ADMINISTRATIVE SERVICES/FINANCE COMMITTEE

Trustee Darch reported on the upcoming JERP meeting with representatives of area restaurants.

PLANNING & ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Trustee Yeagley had no report.

PUBLIC SAFETY COMMITTEE

Trustee Hunt had no report.

PUBLIC WORKS COMMITTEE

Trustee Schaefer had no report.

UNFINISHED BUSINESS CONTINUED

6g. RESOLUTION #03- : Regarding Application of AT&T for Special Use (40 East Dundee Road – Ron Beese Park Monopole) ZBA 03-03 (Postponed from July 14, 2003; August 11, 2003; August 25, 2003 and September 8, 2003 Village Board Meetings) (Request to be Postponed Until October 13, 2003)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Schaefer to postpone, as presented, the Resolution listed as Item 6g on the Agenda to the October 13th Regular Meeting of the Board of Trustees.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

6h. RESOLUTION #03- : ARC 03-04 AT&T Certificate of Approval (Postponed from July 14, 2003; August 11, 2003; August 25, 2003 and September 8, 2003 Village Board Meetings) (Request to be Postponed Until October 13, 2003)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to postpone, as presented, the Resolution listed on Item 6h on the Agenda to the October 13th Regular Meeting of the Board of Trustees.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

NEW BUSINESS CONTINUES

7b. RESOLUTION #03- : Authorizing and Approving an Award of Contract for 2003/2004 Sidewalk Replacement Installation Program (Keyline, Incorporated)

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Hunt to pass, as presented, the Resolution listed as Item 7b on the Agenda.

Trustee Yeagley commented that there was only one bid on this work and asked Mr. Heinz to comment on why there weren't more bids. Mr. Heinz commented that the bid notification went out to the newspaper per State statute. Mr. Springer advised the Board that treating the firms the same is the recommended way to treat firms interested in doing work with the Village. Mr. Springer went on to say that while there is no requirement of a specific period of time, the statute has a general rule requiring a sufficient period of time to allow firms to submit bids. Mr. Heinz went on to clarify that the ad ran for two weeks in the Daily Herald.

ROLL CALL: Trustee Darch, nay; Trustee Schaefer, nay; Trustee Raseman, nay; Trustee Yeagley, nay; Trustee Hunt, nay; Trustee Daluga, nay. President Reagle declared the motion did not carry.

6e. ORDINANCE #03-3089: Amending Chapter 2 Administration Section 2-56. Acting Manager

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Schaefer to pass, as presented, the Ordinance listed as Item 6e on the Agenda.

President Reagle asked Trustee Darch, as motioning the vote on the Ordinance, to consider waiting until such time that he could hear from the Attorney General's Office regarding the issue of the Village Manager. Trustee Darch declined to wait and added that the change in the Ordinance aligns this language with the existing Ordinance regarding the Village Manager.

Trustee Yeagley added that she does not agree with the change in the Ordinance regarding the Deputy Village Manager as the designated position to fill in for the Village Manager during such times that the Village Manager is not available to perform his duties.

VOTE ON CALLING THE QUESTION

MOTION: A motion was duly made by Trustee Raseman and seconded by Trustee Hunt to Call the Question.

ROLL CALL ON MOTION TO CALL QUESTION: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

ROLL CALL ON MOTION TO PASS ITEM 6E AS PRESENTED: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

PAYMENT OF BILLS:

A. WARRANTS' LIST – 9/22/03 - \$ 206,923.89 (EXPENSES)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to approve the payment of the bills included on the voucher listing for the period ending 9/22/03 in the amount of \$206,923.89.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

B. WARRANTS' LIST – 9/22/03 - \$ 5,127.70 (HARRIS BANK/ SEYFARTH SHAW)

Trustee Darch noted for the record that, due to a conflict of interest, she was recusing herself from deliberation on this matter in any way.

MOTION: A motion was duly made by Trustee Raseman and seconded by Trustee Daluga to approve the payment of the bills included on the voucher listing for the period ending 9/22/03 in the amount of \$5,127.70.

ROLL CALL: Trustee Darch, recused; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

C. WARRANTS' LIST – 9/22/03 - \$ 3,084.79 (COMED)

Trustee Hunt noted for the record that, due to a conflict of interest, he was recusing himself from deliberation on this matter in any way.

MOTION: A motion was duly made by Trustee Yeagley and seconded by Trustee Darch to approve the payment of the bills included on the voucher listing for the period ending 9/22/03 in the amount of \$3,084.79.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, recused; Trustee Daluga, aye. President Reagle declared the motion passed.

D. WARRANTS' LIST – 8/29/03 - \$ 97,867.96 (125 REIMBURSEMENT)

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Darch to approve the payment of the bills included on the voucher listing for the period ending 8/29/03 in the amount of \$97,867.96.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

CLOSED SESSION (This session shall be closed to the general public and media. Items discussed in Closed Session may be acted upon in open session following the completion of the Closed Session).

CONSIDERATION RE: Motion to Adjourn to Closed Session Personnel (5ILCS 120/2 (c) (1), Litigation (5ILCS 120/2(c)(11), Land Acquisition (5ILCS 120/2 (c) (5), Collective Negotiating Matters (5ILCS 120/2 (c) (2).

MOTION: Trustee Hunt moved, seconded by Trustee Darch, that the Corporate Authorities adjourn to Closed Session for the purpose of the consideration of appointment, employment, compensation, discipline performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity, pursuant to Chapter 5 ILCS 120/2(c)(1).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, **abstain**; Trustee Hunt, aye; Trustee Daluga, **abstain**. President Reagle declared the motion passed.

RESUMPTION OF PUBLIC PORTION OF MEETING

The public portion of the meeting resumed at 3:50 a.m. Tuesday, September 23, 2003.

It was noted for the record that all Trustees and the Village President who were present prior to the commencement of the closed session were still present.

ADJOURNMENT

MOTION: A motion was duly made by Trustee Hunt and seconded by Trustee Daluga to adjourn the Regular Meeting of the President and Board of Trustees.

A voice vote was then called following which President Reagle declared the motion to adjourn had been unanimously adopted and the meeting was adjourned. The time was approximately 4 a.m. Tuesday, September 23, 2003.

Ron Koppelman, Village Clerk